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Attorneys for Defendant
 PHILIP MORRIS USA INC.

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

NIKKI POOSHS,

Plaintiff,

vs.

ALTRIA GROUP, INC., *et al.*

Defendants.

Case No. C 04-01221-PJH-JCS

**STIPULATION REGARDING PRIOR
 CORPORATE REPRESENTATIVE
 DEPOSITION TRANSCRIPTS**

Pursuant to Civil L.R. 6-2 and 7-12, Plaintiff Nikki Pooshs ("Plaintiff") and Defendants Philip Morris USA Inc., R.J. Reynolds Tobacco Company, Lorillard Inc., Lorillard Tobacco Company, and Hill and Knowlton, Inc., ("Defendants") (collectively "the Parties") hereby stipulate and agree as follows:

1. Defendants Philip Morris USA Inc., R.J. Reynolds Tobacco Co., and Lorillard Tobacco Company have produced or will produce transcripts of the following prior corporate representative depositions to Plaintiff's counsel in this action:

- a. Peter J. Lipowicz, on behalf of Defendant Philip Morris USA Inc., taken on October 12-14 and December 20, 2011, in the *Mary Brown Engle* progeny case pending in Duval County, Florida, sent to Plaintiff's counsel on February 17, 2012;
- b. Jeanne V. Bonhomme, on behalf of Defendant Philip Morris USA Inc., taken on October 3-5 and December 15, 2011 in the *Mary Brown Engle* progeny case pending in Duval County, Florida, sent to Plaintiff's counsel on February 17, 2012;
- c. Dr. James Figlar, on behalf of Defendant R.J. Reynolds Tobacco Co., taken on June 8-10, August 11-12, and August 15-16, 2011, in the *Mary Brown Engle* progeny case pending in Duval County, Florida, sent to Plaintiff's counsel on February 17, 2012;
- d. Dr. Christopher John Cook, on behalf of Defendant R.J. Reynolds Tobacco Co., taken on July 21-22, July 28, and August 17, 2011, in the *Mary Brown Engle* progeny case pending in Duval County, Florida, sent to Plaintiff's counsel on February 17, 2012;
- e. Dr. Christopher John Cook, on behalf of Defendant R.J. Reynolds Tobacco Co., taken on September 30, 2011, in the *Halgren Engle* progeny case pending in Highlands County, Florida, not yet sent to Plaintiff's counsel;
- f. Dr. Christopher John Cook, on behalf of Defendant R.J. Reynolds Tobacco Co., taken on February 26-27, 2009, in the Gray and *Martin Engle* progeny case, Escambia County, Florida, not yet sent to Plaintiff's counsel;
- g. Mr. John Brice O'Brien, on behalf of Defendant R.J. Reynolds Tobacco Co., taken on June 30, July 1, August 2-4, and August 18, 2011, in the *Mary Brown Engle* progeny case pending in Duval County, Florida, sent to Plaintiff's counsel on February 17, 2012;

- 1 h. Edward A. Robinson, on behalf of Lorillard Tobacco Company, taken on March
2 9, 2011 in the *Tullo v. R.J. Reynolds Tobacco Co.* pending in Palm Beach County,
3 Florida, sent to Plaintiff's counsel on February 23, 2012;
- 4 i. Edward A. Robinson, on behalf of Lorillard Tobacco Company, taken on October
5 29, and November 10, 2010, in the *Sulcer Engle* progeny case pending in
6 Escambia County, Florida, not yet sent to Plaintiff's counsel;
- 7 j. Victor D. Lindsley, on behalf of Lorillard Tobacco Company, taken on March 10,
8 2011 in the *Tullo v. R.J. Reynolds Tobacco Co.* pending in Palm Beach County,
9 Florida, sent to Plaintiff's counsel on February 23, 2012; and
- 10 k. Kristy Leung, on behalf of Lorillard Tobacco Company, taken on February 3, and
11 February 4, 2011, in the *Sulcer Engle* progeny case pending in Escambia County,
12 Florida, not yet sent to Plaintiff's counsel.

13 2. The Parties stipulate that the testimony in the above transcripts will be treated as if
14 the depositions in which they were taken had been convened in this action. Other than objections as
15 to form, the Parties reserve and do not waive any other objections to the admissibility at trial of any
16 testimony in these transcripts.

17 3. By entering into this stipulation, the Plaintiff intends in no way to limit her rights to
18 offer and/or introduce any evidence at time of trial, including but not limited to, transcripts of prior
19 testimony and associated documentary evidence of present or former employees of Defendants,
20 subject only to and in accord with the Federal Rules of Civil Procedure, Federal Rules of Evidence,
21 or any other applicable statute or regulation. Conversely, Defendants hereby specifically reserve
22 their rights to present objections to any such other proffered testimony or documentary evidence
23 associated with such testimony.

24 4. Defendants further agree to provide the Plaintiff with complete copies, including
25 video-tapes and all exhibits, of all of the above-mentioned transcripts, not already in the Plaintiff's
26 possession, as Plaintiff has so advised Defendants, within 10 days of the Plaintiff's execution of this
27 stipulation and, where necessary, execution of the applicable protective order.

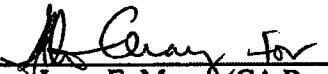
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1 5. To the extent any portions of the above-listed transcripts are governed by a protective
2 order, Plaintiff agrees to the entry of the same protective order in this case, as to those transcripts.
3 Defendants shall provide Plaintiff with copies of the applicable protective orders.

4 6. This stipulation may be executed in counterparts and by facsimile.

5
6 Dated: March 28, 2012

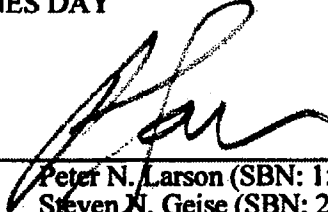
Respectfully submitted,
SHOOK, HARDY & BACON L.L.P.

7
8
9 By: 
10 Lucy E. Mason (CA Bar No. 196810)
11 Jennifer L. Brown (SBN: 242254)
12 Randall D. Haimovici (SBN: 213635)
13 SHOOK, HARDY & BACON L.L.P.

Attorneys for Defendant PHILLIP
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14 Dated: March 28, 2012

JONES DAY

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20 Jacqueline Vallette (SBN: 266989)
21 JONES DAY

Attorneys for Defendant
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1 Dated: March 28, 2012

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3 By: 

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8 Attorneys for Defendants LORILLARD
9 TOBACCO COMPANY AND
10 LORILLARD INC.

11 Dated: March __, 2012

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13 Stan G. Roman (SBN: 87652)
14 Tracy M. Clements (SBN: 184150)
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16 & ROMAN LLP

17 Attorneys for Defendant HILL &
18 KNOWLTON, INC.

19 Dated: March __, 2012

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21 Gilbert L. Purcell (SBN: 113603)
22 James P. Nevin, Jr. (SBN: 220618)
23 Jason M. Rose (SBN: 265984)
24 BRAYTON PURCELL

25 Attorneys for Plaintiff

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 Dated: _____

28 HONORABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE

1 Dated: March __, 2012

DLA PIPER LLP

3 By: _____

William S. Boggs (SBN: 53013)
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Attorneys for Defendants LORILLARD
TOBACCO COMPANY AND
LORILLARD INC.

8 Dated: March 28, 2012

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15 Dated: March 28, 2012

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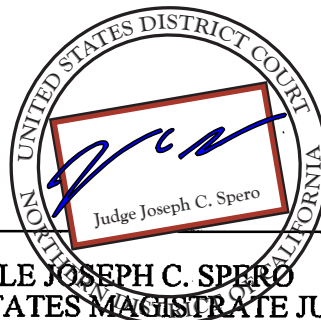
18 By: _____

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James P. Nevin, Jr. (SBN: 220618)
Jason M. Rose (SBN: 265984)
BRAYTON PURCELL

Attorneys for Plaintiff

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: 3/30/12



HONORABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE